

Lee Feldman

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CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Honorable Nora Barry Fisher, Esq.
US District Court Western District of Pennsylvania
700 Grant St
Pittsburgh, Pa 15219

RE: Amicus Brief Plaintiffs vs Giant Eagle

20-CV-754

Dear Judge Fisher:

The Plaintiffs claim that their rights under the Constitution and the Americans with Disabilities Act (ADA) were being violated by Giant Eagle.

Neither the Constitution nor the ADA authorize anyone to commit a crime. Neither is an underlying medical condition. Choosing not to wear a mask in the presence of other people becomes the crime, Reckless Endangerment. For example, the First Amendment guarantees free speech, but you cannot use free speech to incite a riot.

The Corona Virus has killed millions worldwide, sickened many more millions, and may have long term effects on those who have not yet experienced symptoms.

A mask is the only effective way to avoid ingesting the virus. Social Distancing does not protect against the virus because, in all spaces, the virus can be in the air we breathe regardless of the distance between people. Air conditioned places recirculate the inside air and maintain the presence of the virus. If you are downwind from a sick person in an open space, good luck!

Everyone is a potential carrier, and, thus, must be suspect. Therefore, everyone must wear a mask in the presence of other people, in order to protect themselves and everyone else. Choosing not to wear a mask under those circumstances is a willful choice, and that makes the choice a crime.

Asthmatics and others claim they cannot wear a mask for medical reasons. It is well known that people with underlying medical conditions are more vulnerable to the Corona Virus, and therefore must use some protective measure. A facial covering of some kind is the only effective preventive condition available other than avoiding other people altogether. If they do not want to wear a mask, they should use curb side pickup or delivery.

Thank You,
Lee Feldman

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